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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 JUDY THORSDEN,

No. C-06-0770 MMC

10 Plaintiff,

**ORDER REMANDING ACTION**

11 v.

12 AMERICAN HOME SHIELD OF  
13 CALIFORNIA, INC.,

14 Defendant  
15 \_\_\_\_\_/

16 Before the Court is the Notice of Removal of Civil Action, filed February 3, 2006, by  
17 American Home Shield Corporation ("AHSC"), which is not a party to the instant action.

18 In the Notice of Removal, AHSC asserts that the parties to the instant action are  
19 diverse. The complaint alleges, however, that the only named plaintiff, Judy Thorsden  
20 ("Thorsden"), and the only named defendant, American Home Shield of California, Inc.  
21 ("AHSOC"), are both California residents, (see Compl. ¶¶ 1, 2), and AHSC concedes such  
22 allegation is true, (see Notice of Removal ¶¶ 20, 21(a)). Although AHSC asserts that it  
23 should be treated as the sole defendant, Thorsden has not named AHSC as a party and,  
24 indeed, has specifically declined to amend her complaint to substitute ASHC for AHSOC.  
25 (See Notice of Removal Ex. E.) Consequently, there being no diversity between the parties  
26 to the instant action, the Court lacks subject matter jurisdiction over the matter.<sup>1</sup>  
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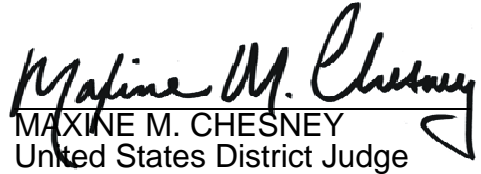
28 <sup>1</sup>The Court further notes that AHSC has violated the Local Rules of this District by  
inappropriately filing in the public record certain of Thorsden's personal information. (See  
Civil L.R. 3-17(a).)

1 Accordingly, pursuant to 28 U.S.C. § 1447(c), the above-titled action is hereby  
2 REMANDED, for lack of subject matter jurisdiction, to the Superior Court of the State of  
3 California, in and for the County of Sonoma.

4 The Clerk shall close the file.

5 **IT IS SO ORDERED.**

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7 Dated: February 7, 2006

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MAXINE M. CHESNEY  
United States District Judge